R E P O R T R E S U M E S

ED 015 731 JC 670 782

ACADEMIC FREEDOM AND TENURE--LINCOLN COLLEGE.

BY- BAKER, SHERIDAN BURKLE, HOWARD R.

AMERICAN ASSN. OF UNIV. PROFESSORS, WASHINGTON D.C

PUB DATE SEP 64

EDRS PRICE MF-$0.25 HC-$0.40 8P.

DESCRIPTORS- *JUNIOR COLLEGES, *ACADEMIC FREEDOM, *COLLEGE TEACHERS, COLLEGE FACULTY, TENURE, *FREEDOM OF SPEECH, CONTRACTS, TEACHER EMPLOYMENT, POLITICAL ISSUES,

AN INSTRUCTOR OF PHILOSOPHY AND RELIGION, WHO HAD COMPLETED THE FIRST MONTH OF A 1-YEAR CONTRACT, WAS INFORMED THAT HIS CONTRACT WOULD NOT BE RENEWED FOR THE FOLLOWING YEAR THOUGH HE WOULD BE ALLOWED TO COMPLETE HIS CURRENT CONTRACT. IN PROTEST AGAINST THE AMERICAN BLOCKADE OF CUBA, HE HAD PICKETED THE LOCAL POST OFFICE, AND THIS ACTION LED TO A STATEMENT BY THE BOARD OF TRUSTEES THAT HIS CONDUCT "DID NOT REFLECT THE DIGNITY, JUDGMENT, OR RESPECT FOR THE INSTITUTION WHICH THE COLLEGE MAY RIGHTFULLY EXPECT OF ITS INSTRUCTORS," ALTHOUGH THE TRUSTEES AGREED THAT HE HAD ACTED WITHIN HIS LEGAL AND CONSTITUTIONAL RIGHTS. THE INSTRUCTOR APPEALED TO THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS, WHOSE COMMITTEE A ON ACADEMIC FREEDOM AND TENURE INVESTIGATED AND FOUND THAT, BY DENYING HIM PROPER EXPRESSION OF HIS ROLE AS A CITIZEN AND BY REFUSING TO REEMPLOY HIM BECAUSE OF HIS ACTIVITIES AS A CITIZEN, THE BOARD AND PRESIDENT HAD VIOLATED THE FACULTY MEMBER'S ACADEMIC FREEDOM. THE COMMITTEE ALSO CONSIDERED THE INSTRUCTOR'S DISMISSAL A SEVERE DISCIPLINARY ACTION WITHOUT THE PROCEDURAL PROTECTION OF ACADEMIC DUE PROCESS AND JUDGMENT OF HIS PEERS. THIS ARTICLE IS A REPRINT FROM "AAUP BULLETIN," VOLUME 50, NUMBER 3, SEPTEMBER 1964. (HH)

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
OFFICE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL OFFICE OF EDUCATION POSITION OR POLICY.

Reprinted from:
The AAUP Bulletin, Autumn, 1964.

UNIVERSITY OF CALIF.
LOS ANGELES

AUG 18 1967

CLEARINGHOUSE FOR
JUNIOR COLLEGE
INFORMATION

ERIC

ED015731

Academic Freedom and Tenure: Lincoln College[1]

On November 9, 1962, the Board of Trustees of Lincoln College, Lincoln, Illinois, announced that the contract of Joseph William Letson, Instructor of Philosophy and Religion, "will not be renewed for the academic year, 1963-64." This action resulted from the picketing by Mr. Letson of the United States Post Office in Lincoln on Saturday, October 27, 1962, in protest of the blockade placed around Cuba the previous Monday by the United States Government. Mr. Letson had just completed his first month at Lincoln College, on a one-year contract. He was not on tenure. The Board held to its contract, and Mr. Letson continued to teach throughout the academic year 1962-63.

On November 15, 1962, however, the Board and administration amplified the Board's announcement of November 9 in a letter circulated to "Friends of Lincoln College." This letter stated, as had the original announcement, that the Board had considered Mr. Letson's action in the light of the 1940 *Statement of Principles on Academic Freedom and Tenure*—the joint Statement of the American Association of University Professors and the Association of American Colleges—and concluded that Mr. Letson's action "did not reflect the dignity, judgment or respect for the institution which the College may rightfully expect of its instructors," and that "in the judgment of the Administration and Board he is not the type of person deemed appropriate to teach Lincoln College students."

Mr. Letson appealed to the American Association of University Professors on the grounds that he was acting within the provisions of the 1940 Statement of Principles, and that the Board infringed his academic freedom to express his ideas in public.

The undersigned *ad hoc* committee was appointed to conduct an investigation on behalf of the American Association of University Professors and charged specifically to inquire into the disagreement, to determine whether the Board had violated Mr. Letson's academic freedom, and to assess the effect of the Board's decision "upon the general climate of academic freedom at the College." The committee visited Lincoln College on September 5, 6, and 7, 1963, and interviewed all principal parties.

[1] The text of this report was written in the first instance by the members of the investigating committee. In accordance with Association practice, the text was sent (a) to the Association's standing Committee on Academic Freedom and Tenure (Committee A), (b) to the teacher at whose request the investigation was conducted, and (c) to the administration of Lincoln College. In the light of the suggestions received, and with the editorial assistance of the Association's Washington Office staff, the report has been revised for publication.

Mr. Letson

In November, 1962, Mr. Letson was 39 years old, married, with five children of ages fifteen to one-and-a-half, a member of the Society of Friends (Quakers), listing among his interests "creating concern for peace and brotherhood." He had earned a B.S., magna cum laude, in chemistry, at the College of the Ozarks, Clarksville, Arkansas, in 1945. He had worked several years as a printer and chemist. He had served as assistant minister in the Lyonsville Congregational Church, LaGrange, Illinois, 1952-1953. In 1956, he earned a B.D. at the University of Chicago. From 1956 to 1959, he was Graduate Fellow, Hebrew Union College, Cincinnati, with which institution he now has under way a doctoral dissertation on "Vows and Votives in the Bible and the Ancient Near East." He is a student of Semitic languages and Tannaitic literature. In 1958, he served as Supply Minister, Point Isabel Congregational Church, Moscow, Ohio. From 1960 to August, 1962, just prior to his appointment to Lincoln College, he served as pastor, Fairview Friends Meeting, New Vienna, Ohio. He had taught the Old Testament at Earlham College, Richmond, Indiana, during the fall semester, 1959; and he had taught in two church teachers' training schools. His appointment at Lincoln College as instructor in religion and philosophy was his first to a full-time faculty position.

At the time he was being considered for this position, Mr. Letson says he told the Dean of the Faculty of his pacifist and socially activist interests. The Dean states, however, that he is not positive that these interests were enunciated before Mr. Letson's appointment.

Lincoln College

Lincoln College is a junior college, accredited by the North Central Association of Colleges and Secondary Schools and by the Illinois State Board of Education. Founded in 1865 by the Cumberland Presbyterian Church, it was reorganized from a four- into a two-year college in 1929, and is now nondenominational. Since the Second World War, its enrollment has grown from about 125 to 430, with about 25 faculty members on full appointment at the present time and about 15 on part time. The Board of Trustees, a self-perpetuating body, with three-year terms but no limitation as to number of terms, consists of fifteen members who live in the vicinity of Lincoln, and ten members at large. A majority of the fifteen "local" members is empowered to act on all major fiscal and educational matters, to set courses of instruction, to appoint faculty, and "to displace or remove either or any of said instructors, officers, or agents, or all of them, as a

JC 670 782

majority of said trustees shall deem in the interests of said university to require."

At the time of the investigation, Lincoln College did not use academic ranks, but it did have a newly instituted tenure and retirement system, whereby instructors of 30 years of age with two years of service at the institution are ordinarily considered tenured, and eligible for the retirement plan. It has a new chapter of the American Association of University Professors, suggested and encouraged by President Raymond N. Dooley and Dr. David Stevenson, Dean of Faculty (a position created in 1960, at the suggestion of the North Central Association) With the assistance of a chapter, President Dooley hoped that the faculty would have broader professional associations and an active forum for college affairs.

Lincoln, Illinois

Lincoln College is at the edge of the town of Lincoln, population 14,000, situated halfway between Springfield and Bloomington, each about 30 miles away (northeast and southwest), and about halfway between Peoria and Decatur (northwest and southeast). Newspapers in each of these four cities, and in St. Louis and Chicago, became interested in the Letson case, but the Lincoln newspaper did not report the initial incident.

Events from October 22 to November 15, 1962

On Monday, October 22, the late President John F. Kennedy announced that the U. S. Navy was blockading Cuba to prevent Russian ships from bringing aggressive weapons into Cuba. Mr. Letson told the *ad hoc* investigating committee that he saw this as a step toward a U. S. invasion of Cuba and a threat of atomic war. As a pacifist, he sent a telegram to President Kennedy urging negotiation. Believing that more needed to be done, he communicated on Friday, October 26, with the secretary of a small Quaker group in Bloomington, which he learned was temporarily inactive and had no advice to offer as to a proper line of action for local Quakers. Neither Mr. Letson nor the secretary in Bloomington knew that Quakers were planning to picket the post office in Chicago, and they did not discuss picketing in Lincoln. According to Mr. Letson, his picketing the next day was his own decision, although several members of the faculty and Board of Lincoln College stated that they believed he was acting in conjunction with Bloomington and Chicago Quakers.

As a Quaker, Mr. Letson stated that he felt strongly urged to bear witness against war, against what he considered the idolatry of man's taking the power of life and death into his own hands, and against his nation's embarking "on a campaign of undeclared war against a smaller nation." According to his own account, he began on Saturday morning, at about 10:15, to picket the Lincoln Post Office, located on the central square of downtown Lincoln, and carried a placard that read, on one side, "Stop U. S. Aggression," and, on the other, "Must Cuba Be Our Hungary?" His immediate purpose, he said, was to speak to the people of Lincoln, which he did accomplish both in the picketing and through the controversy during the ensuing weeks. While picketing, he asked questioners to stroll along with him so that he could answer them without being arrested for obstructing traffic and thus losing his opportunity to picket. When asked who he was, he replied he was a Christian; and if asked whom he represented, he answered approximately as follows: "My name is Everyman; I represent Nobody in particular; I am connected with millions of people who do not want to be blown up by atomic bombs."

Soon a small crowd gathered at one end of his patrol and began to make threatening remarks. According to Mr. Letson, even though the sheriff sent a deputy to protect him, the heckling and profanity continued. At one point Mr. Letson was nearly pushed off the sidewalk, but righted himself against a parked car. In the meantime, someone recognized him as a member of the Lincoln College faculty and called college officials. Dean of Faculty David Stevenson, accompanied by Dean of Students Frank M. Loos, came to the square and stated, according to both Mr. Letson and Dean Stevenson, that in his opinion Mr. Letson had already jeopardized his position at the college and that, if he continued to picket, he would endanger it even further. Immediately thereafter, at about 11:45 a.m. (about fifteen minutes earlier than he had planned to cease picketing), Mr. Letson returned to the campus with Dean Stevenson, in Dean Loos's car.

Protests about Mr. Letson's action to the Board and to administrative officers of the college began immediately. It is reported that a rumor was spread to the effect that Mr. Letson was in the pay of International Communism and had been rescued from a mob in front of the Post Office by two men in a black Russian car. It is also reported that local officials considered consulting the Federal Bureau of Investigation. According to the local newspaper, the Lincoln City Council discussed, and dropped, a recommendation to Lincoln College that it dismiss Mr. Letson. There were telephoned demands for action, and threats to the Board of Trustees about gifts not forthcoming. President of the Board Harold Trapp insisted, however, that the Board not act precipitately by having an emergency session, but that it wait to consider the situation at its regular November meeting.

On Monday, November 5, the Lincoln College Chapter of the American Association of University Professors, after an inconclusive meeting the previous Wednesday, voted to send the Board of Trustees a copy of the 1940 Statement of Principles, together with its own statement. The heart of the chapter's statement was:

> We endorse freedom of speech as guaranteed by the Constitution of the United States. We join the American Association of University Professors in supporting the rights of faculty members to express their views as citizens on topics of national or local importance. We further express a hope that when such opinion differs from the popular opinion of the moment, that an effort will be made to support any faculty member against those who would impute motives beyond what the actual facts warrant.

At its regular meeting on November 6, the faculty endorsed a memorandum to the Board which had been written by Dean Stevenson on November 1. Dean Stevenson's memorandum expressed a concern for protecting the

interests of Lincoln College, without damaging the professional spirit he believed the faculty had recently achieved. Dean Stevenson recommended two steps which he believed would enable the college to "survive the present crisis" and to become in consequence "a stronger and more unified college." The first was that the Board endorse the Academic Freedom section of the 1940 *Statement of Principles on Academic Freedom and Tenure.* Dean Stevenson's second recommendation was that ". . . a committee of the Board meet with representatives of the faculty to discuss the role of the instructor in the college community." Dean Stevenson hoped that a public statement and a mutual concern with the general problem would cool tempers, iron out issues, and prevent punitive action against Mr. Letson.

On Wednesday evening, November 7, at its regular monthly meeting, the Board of Trustees discussed the situation, particularly in the light of the 1940 Statement of Principles. It voted to continue its meeting the next evening and to invite Mr. Letson, three members of the faculty, and three members of the administration to attend. On Thursday morning, November 8, Dean Stevenson invited Mr. Letson to be present at this meeting, which was to be held at 7:30 that evening at President Dooley's house. The three faculty members were invited as "observers," but understood their function to be the support of Mr. Letson.

The meeting has been variously described by Mr. Letson and the faculty observers as "hostile," "rigorous," "not friendly," "legalistic," and "rough." At the outset, one member of the Board cautioned the others to restrain themselves, and got Mr. Letson a cup of coffee. In the words of one faculty observer, the meeting began with a long "harangue" about treason, and in the words of another, the Board went after Mr. Letson like "trial lawyers." One of the opening questions by a Board member, for example, was: "Do you have any reason why you should not be fired?" At the end, several members of the Board apologized to Mr. Letson for pressing a little hard. Mr. Letson read a statement (which he felt had been prepared too hastily to represent his position well) explaining his religious reasons for the picketing, but neither he nor the Board discussed the statement at length, although Mr. Letson states that one Board member expressed doubt that his actions could be religiously based if they did not have the approval of some religious body. The questioning and discussion turned mostly on the nature of the Cuban issue and the practical interests of Lincoln College. Mr. Letson maintained that the United States was violating international law in blockading Cuba, a small and neighboring country; Board members held that the United States was protecting itself from the aggressive acts of a big and hostile foreign power from the other hemisphere, and they insisted that Mr. Letson's action was nearly treason as it was, and unquestionably would have been so had "the bombs begun to fall."

According to information provided the *ad hoc* committee, those who were present commented variously that Mr. Letson did not successfully base his position on religious grounds, that his performance was "disappointing," that he was "unwilling to bow down" to the Board, and that he did not, therefore, "belong at Lincoln." After Mr. Letson and the other faculty members left, the Board reached what several Board members described as a generous compromise. Rather than dismiss Letson—which most of the Board members originally wished to do—it would announce at once his nonreappointment for the following academic year, but would allow him to continue to teach, and thus avoid, so far as possible, characterizing Mr. Letson's professional qualifications adversely. The following morning, Friday, November 9, the Board released its statement announcing that the appointment of Mr. Letson would not be renewed for the academic year 1963-64. This statement also referred to the meetings of the Board of Wednesday and Thursday, November 7 and 8, and it cited in full paragraph (c) of the 1940 Statement of Principles which delineates the rights of faculty members as citizens.

The announcement caused some turmoil on the campus; a demonstration of students led by one faculty member, a somewhat tumultuous announcement of resignation by this same faculty member before the assembled student body, and three subsequent resignations by faculty (two of whom had previously decided to leave), who regarded the incident as part of a general deterioration of academic conditions at the college.

On November 15, 1962, in the light of repeated inquiries and distorted reports, President Dooley and President of the Board Harold Trapp felt it necessary to release a letter to the "Friends of Lincoln College" to clarify the college's position. The letter briefly described the facts of the picketing, quoted again that paragraph of the 1940 Statement of Principles concerning a college teacher's freedom and responsibilities, and went on to explain:

> The Board, with the concurrence of the administration, believed that the action of Mr. Letson, who is in his first year as an employee of the college and is therefore on probationary status, did not reflect the dignity, judgment or respect for the institution which the college may rightfully expect of its instructors. At the conclusion of the meeting it announced that the contract of Mr. Letson would not be renewed for the academic year 1963-1964.
>
> At no time has the college or a member of its official family denied that Mr. Letson was exercising his legal and constitutional right in expressing his views by publicly displaying them. The officials of the college feel, however, that freedom demands responsibility and, furthermore, that the college is under no obligation to retain a probationary instructor beyond the expiration of the period specified in his contract—in this instance June 1—if in the judgment of the Administration and Board he is not the type of person deemed appropriate to teach Lincoln College students.

Mr. Letson believed, however, that he was entitled to academic freedom even though he did not have tenure and that he was properly exercising the rights of a faculty member as a citizen in his picketing. He also believed that he had suffered "institutional censorship or discipline," and requested help from the Association on November 11, 1962. After inquiry and correspondence, the General Secretary obtained the services of Assistant Dean Claude R. Sowle, School of Law, Northwestern University, to act as personal adviser to Mr. Letson in attempt-

ing to secure for him a hearing or otherwise to effect a satisfactory resolution of the situation. In spite of correspondence and conferences with Dean Stevenson, Dean Sowle was unable to meet with the Board, because the Dean stated that the Board had concluded that admitting Dean Sowle to a hearing was to put its decision in question, a decision it believed to have been perfectly sound and fair. On June 25, 1963, the Association authorized a formal investigation, and the present *ad hoc* committee was appointed.

Academic Freedom and Related Issues

The facts significant for the purposes of the issues presented by this case are not in dispute. All accounts, including those of Mr. Letson, Dean Stevenson, and others, agree that in his picketing activities Mr. Letson did not identify himself as an institutional spokesman and that he acted in a legal fashion. And the president of the Board of Trustees and the president of the college stated specifically in their letter to "Friends of Lincoln College" that Mr. Letson had exercised "his legal and constitutional right in picketing."

There is also no question as to why Mr. Letson was not reappointed. The reason is given in "Friends of Lincoln College" in the sentence which reads, "The Board, with the concurrence of the administration, believed that the action of Mr. Letson, who is in his first year as an employee of the college and is therefore on probationary status, did not reflect the dignity, judgment or respect for the institution which the college may rightfully expect of its instructors." Even without this explicit explanation, the reason seems quite implicit in the sequence of events. Furthermore, the administrative officials with whom the members of the *ad hoc* committee spoke also expressed the opinion that Mr. Letson would probably have been offered a reappointment had he not engaged in the picketing activities.

With the exception of Mr. Letson and his supporters, no one at Lincoln College seems adequately to have considered the central issue of whether the Board's decision denied an academic freedom recognized in the 1940 Statement of Principles. Whenever this issue was raised—in the deliberations of the Board, according to the faculty observers who were present, in the statement to "Friends of Lincoln College," and even in interviews with this committee—the discussion immediately moved away from it to a consideration of the Board's argument that Mr. Letson had exceeded his academic freedom to speak and act as a citizen.

According to the faculty observers attending the meeting of the Board of November 8, members of the Board expressed the opinion that Mr. Letson's picketing seemed virtually irrational, a belligerent imposition of his ideas on others, and thus inconsistent with his declared pacifistic and Christian position. Also, Board members reportedly stated that Mr. Letson's views of the Cuban situation also seemed willfully irrational in that he failed to acknowledge evidence that to the Board seemed self-evident, such as Russia's hostile intent in implanting missiles. The Board took the position that Mr. Letson could have foreseen that his act would disturb the town and arouse fears of riot. As expressed in "Friends of Lincoln College," as well as in the November 8 meeting, the Board regarded picketing, *per se*, as tolerable under some conditions, but *not* for a Lincoln College teacher in Lincoln, Illinois, on the issues involved in the atmosphere of October 27, 1962.

No one with whom the *ad hoc* committee spoke—members of the Board, administration, and faculty—claimed that picketing is illegal or denied that Mr. Letson was within his rights as a private citizen to picket. Nevertheless, most of them disapproved of his actions. Some spoke of picketing as unprofessional, that is, inappropriate for a professor. Some called it imprudent, that is, calculated to bring disrepute and cause loss of revenue to the college. Others opposed it as socially intolerable, that is, out of keeping with the customs and political persuasions of the Lincoln area.

To Mr. Letson's supporters, with whom the Association's committee conferred, his action was, however, that of a dedicated Christian idealist and pacifist who felt it his duty to protest publicly and without fear against what he took to be an immoral and dangerously warlike act by his government. In his statement before the Board, Mr. Letson, in the words used by the Quakers in their address to the newly-crowned Charles II, pointed out that Quakers "utterly deny all outward wars and strife," that they consider God's power the only true power, and that they consider man's reliance on might "an act of idolatry." Mr. Letson saw his own act as an obligation as a citizen and Christian that had little to do with his professional commitments. Mr. Letson's supporters noted that the picketing took place on Saturday, and that Mr. Letson was careful to keep his professional self out of the picture. He believed that his role as citizen and his role as teacher were here distinct and not in conflict.

The basic issue is whether the decision of the Board not to reappoint Mr. Letson because he picketed at that time and at that place was a violation of his academic freedom. In order to answer this question, the Board's decision and the relevant circumstances must be examined in terms of the pertinent provisions of the 1940 *Statement of Principles on Academic Freedom and Tenure*.

The 1940 Statement of Principles specifically provides that "During the probationary period a teacher should have the academic freedom that all members of the faculty have." Therefore, although an administration need not state the reason for the nonreappointment of a faculty member on a probationary appointment, and should give adequate notice, a reason violative of academic freedom would not be a proper basis for the faculty member's nonreappointment.

The pertinent section of the 1940 Statement of Principles on the rights of faculty members as citizens, and the one reproduced in both the Board announcement of November 8 and the joint letter of the President of the Board of Trustees and the President of the College to "Friends of Lincoln College" of November 15, reads:

> The college or university teacher is a citizen, a member of a learned profession, and an officer of an educational

> institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman.

It would appear that the Board sought in this section a justification for its decision not to reappoint Mr. Letson. Its explicit reason, as given in "Friends of Lincoln College," that his action "did not reflect the dignity, judgment, or respect for the institution which the College may rightfully expect of its instructors," would also appear to reflect an attempt to apply the principles of this section to Mr. Letson's situation.

Under the provisions of this section, the picketing activities of Mr. Letson should be questioned only on the basis of whether he observed the admonitions therein. The legality of these activities was never at issue, as the Board stated that Mr. Letson was exercising his legal and constitutional right in publicly expressing his views by picketing. It would appear, therefore, that the appropriate issue to consider was, "Accepting the legality of his activities, was Mr. Letson otherwise acting irresponsibly?"

The committee wishes to note that academic freedom, or for that matter freedom of speech, rests upon the right to expression of all thoughts, including controversial thoughts, that is, ones which go contrary to popular opinions or which are considered to be grossly in error. Accordingly, an allegation of irresponsibility cannot validly call into question the character of the teacher's expression of facts and opinions, not prescribed by law, solely on the basis that they are controversial. Such an allegation must rest upon an extreme impropriety of circumstances, such as serious intemperance of expression, intentional falsehood, or willful incitement of misconduct.

This committee does not see that Mr. Letson in his picketing activities disregarded in any way the admonitions of the 1940 Statement of Principles. The entire act of picketing, including the wording on the placard, was a genuine expression of his convictions as a Quaker and a citizen. His attempted conversations with individuals in the crowd were not abusive or vindictive or vulgar; they were rather a sincere and dignified plea for his point of view. He made no attempt to identify himself as an institutional spokesman, and he did not even disclose himself as a member of the faculty of Lincoln College. In this act of picketing—which, like writing and speaking, is the teachers' right as a citizen—it would seem then that Mr. Letson's actions were responsible.

In the opinion of the committee, the Board is to be given credit for its willingness to examine the implications of his picketing in terms of the provisions of the 1940 Statement of Principles as well as to consider other aspects of his case in its deliberations. Nevertheless, the committee believes that the Board erred in its interpretation of these provisions and hence concluded incorrectly that Mr. Letson had acted improperly in his picketing activities. The committee further believes on the basis of the evidence that the Board in arriving at its decision about Mr. Letson seems to have confused being controversial with being irresponsible.

The Board also misapplied the provision of the section of the 1940 Statement of Principles which specifies, "When he speaks or writes as a citizen, he should be free of institutional censorship or discipline. . . ." For the Board to state that Mr. Letson had exercised "his legal and constitutional rights in picketing," rights which are also specifically guaranteed by the 1940 Statement of Principles, and then to conclude that this act was improper, a conclusion buttressed by a full citation of this very section, appears to this committee to be an incorrect interpretation and a misapplication of these principles. In other words, the Board used the very principles which were formulated for insuring a faculty member his rights as a citizen to deny Mr. Letson these rights.

Procedure

This case also raises questions about the adequacy of the procedures followed by the Board in arriving at its decision. Before discipline is imposed upon a teacher there should be participation by the faculty. The announcement of an intention not to renew the probationary appointment of Mr. Letson for the reasons stated in a public release and in "Friends of Lincoln College" amounted to discipline. Disciplinary action by the Board against Mr. Letson should, therefore, have been taken only after his alleged irresponsible activities and their consequences had been carefully studied by a faculty committee, as well as by responsible administrative officers. Although the Board has the ultimate responsibility for the imposition of discipline upon a teacher, the faculty is in the best position to determine whether a faculty member in his public utterances has observed the admonitions of the 1940 Statement of Principles and what bearing this conduct may have upon his fitness to teach. To ignore these procedures is to deny the faculty member his right to a judgment by his peers and to circumvent the faculty's responsibility in assessing the conduct of its own membership.

No one claimed that the appearance of Mr. Letson before the Board was a hearing in the manner prescribed by the 1940 Statement of Principles. All accounts agree that this meeting was devoted exclusively to an informal discussion of Mr. Letson's actions. In fact, President Dooley informed the Washington Office by letter of November 26, 1962, that "This meeting [of the Board on November 8, 1962] was not a formal hearing, however, but was regarded by the Board, rather, as an attempt to be as fair as possible to Mr. Letson and an opportunity to learn more about his attitude toward the college." Certainly this meeting was not attended with the procedural safeguards which are considered proper and necessary for a fair hearing.

Prior to the investigation by this committee, unsuccessful efforts to secure a hearing for Mr. Letson were made by both Dean Sowle, academic adviser to Mr. Letson, and the Washington Office of the Association. In re-

sponse to one of these requests, President Dooley, in a letter to the Washington Office under date of February 12, 1963, stated, "The Board considered the suggestion of the American Association of University Professors contained in your letter of January 8, namely, that a committee of the faculty be appointed to review the Letson matter and recommend appropriate action. The Board concluded that its previous decision was just and proper and that no further action was in order."

It is true, of course, that the Board must be given credit for not acting precipitately in that no special meeting was called immediately after the picketing but that, upon the insistence of its president, Harold Trapp, a consideration of Mr. Letson's case was postponed until its next regular meeting several days later. Such deliberation, however, does not seem to this committee to be an adequate substitute for the procedural safeguards inherent in a properly conducted hearing.

The General Climate of Academic Freedom

The investigation of Mr. Letson's case developed facts which permit some assessment of the conditions of academic freedom at Lincoln College.

Faculty members interviewed, including Mr. Letson, were unanimous in feeling free to discuss controversial issues in the classroom without fear of interference by administration or trustees. The question of whether Mr. Letson might teach, or might be teaching, "dangerous" ideas seems not to have entered the case.

In recent years there has been occasional friction between the administration and a few members of the faculty over programs sponsored by the students' political science club. At one point, the president of the college apparently prohibited, but later, following a "sit-in" by students, permitted the showing of the film "Operation Correction" as a sequel to "Operation Abolition."

In the minds of some of the faculty who spoke to this committee, the Letson case brought to a crisis a number of unfavorable conditions which contributed to the four resignations from the faculty. These conditions also led them to question whether the college is in fact dedicated to a liberal education and the freedom of ideas on which a liberal education depends. They also expressed the opinion that in spite of clear gains in the faculty's participation in college affairs since Dr. David Stevenson's appointment as Dean of Faculty, the Letson affair has destroyed some of the faculty's confidence in the college and in the faculty's freedom to engage in the discussion of public issues off the campus.

The restoration of confidence will require increasing recognition and encouragement of the faculty's professional role by all segments of the college. The participation of faculty members in professional associations, the establishment of faculty agencies to carry out the principles of the Association's *Statement of Principles on Faculty Participation in College and University Government*, and administrative consultation with the faculty on all important matters of policy are vital to all institutions; at Lincoln College, at this stage of its history, they are indispensable to the college's academic health.

It seems clear that public pressure and the Board's decision not to reappoint him coincided to impose restraints on Mr. Letson in his off-campus activities as a citizen. But the results of these events were not entirely unfavorable to Mr. Letson. To the credit of the Board and the college administration, he was not dismissed, and he continued to teach undisturbed. Students who had earlier complained of his classes to their counsellors now became enthusiastic. He made new friends. He continued to discuss his views, with faculty, townspeople, and neighbors, to many of whom he was previously unknown. He experienced little or no hostility. He did, however, lose a position which, in the administration's estimation, he probably would have otherwise kept.

Mr. Letson's action was again and again described to the *ad hoc* committee as "taking everyone by surprise," as being unlike anything the town and college had ever before faced. In the opinion of his colleagues, the trustees' action could not therefore be described as having caused the prohibition of a freedom which once existed locally. But it made the college community painfully conscious of a range of activities it may not engage in without danger of penalty. It also denied Mr. Letson the right as a citizen to the peaceful expression of his point of view.

Indeed, the college's restrictions on free speech have been enunciated all too early in the "Faculty Handbook" (1963), which states:

> Lincoln College has benefited immeasurably from individuals in the community to whom it owes its origin and much of its sustenance, as well as the support of its academic program. Conformity to the mores of the community to the extent of refraining from the public expression of views which may be antithetical to the general pattern of life in Lincoln is therefore a responsibility the Lincoln College instructor is asked to accept.

This statement is a threat to academic freedom, as well as being a logical error, because it equates responsibility with conformity. A fundamental purpose of higher education is to search for new ideas, some of which may run counter to existing mores, and to examine critically significant points of view, rather than unthinkingly to accept them.

The Board, however, declared that it had not and would not interdict free speech and that all it asked of an instructor was that he behave with dignity and judgment. Nevertheless, the decision of the Board itself in the Letson case, the previous difficulties of some faculty members over their on-campus, extracurricular activities, and the provisions of the "Faculty Handbook" indicate that academic freedom at Lincoln College is limited by the local mores. Certainly these events have produced some undue caution, perhaps even to the point of surrender of the constitutional right of free speech, and hence some inhibition of the expression of opinions inside as well as outside the classroom, although the freedom of faculty members as citizens has hardly been vigorously exercised, prior to Mr. Letson's picketing, and hence has been little curtailed. But more important, the Board's decision probably stunted the growth of academic freedom on the campus.

The Board and the college administration seemed not to understand that the principles of academic freedom—or of freedom of speech—are contingent upon the right to express disagreement and even dissatisfaction with the opinions and actions of others. No defense is needed for those who give voice only to received opinions which are in vogue. Freedom of expression has meaning only if those who wish to voice unpopular views have the right to do so and, furthermore, are protected from unreasonable and improper reprisals. An institution of higher learning cannot fulfill its mission if the academic freedom of its members is threatened. A Board and the college administrative officials have the responsibility, therefore, not merely to permit full freedom, but actively to defend those who are attacked for the exercise of freedom even though they do not agree with the opinions being expressed.

Conclusions

The committee believes that the evidence supports these conclusions: First, the Board and the President violated the academic freedom of Mr. Letson by denying him a proper expression of his role as a citizen and by questioning his fitness to teach for this reason. They failed to give critical attention to the question of what specific traits and kinds of behavior ought to characterize "the person deemed appropriate to teach Lincoln College students." Without seriously asking whether the college has an obligation to stand for the rights of faculty members which, although not generally recognized or condoned in the surrounding community, are guaranteed by the Constitution and inherent in the academic tradition, the Board and administration permitted the customs and common values of the Lincoln community to dictate the criteria of professional acceptability, including that of academic freedom. Second, they imposed a severe disciplinary action upon Mr. Letson by limiting his rights as a citizen and by publicly announcing the nonrenewal of his appointment without adequate grounds and without the procedural protection of academic due process; and in doing this they also denied the faculty—which should be the best judge of professional acceptability—a proper role in considering the evidence and in expressing its judgment on the propriety of the actions of a colleague.

Sheridan Baker (English). The University of Michigan, *Chairman.*

Howard R. Burkle (Philosophy and Religion), Grinnell College.

The Investigating Committee

Committee A on Academic Freedom and Tenure has by vote authorized publication of this report in the *AAUP Bulletin:*

David Fellman (Political Science), University of Wisconsin, *Chairman*

Members: Richard P. Adams (English), Tulane University; William O. Aydelotte (History). University of Iowa; Frances C. Brown (Chemistry), Duke University; Clark Byse (Law), Harvard University; Bertram H. Davis (English), Washington Office; William P. Fidler (English), Washington Office, *ex officio;* Ralph F. Fuchs (Law), Indiana University; C. William Heywood (History), Cornell College; Fritz Machlup (Economics), Princeton University, *ex officio;* Walter P. Metzger (History), Columbia University; Paul Oberst (Law), University of Kentucky; John P. Roche (Political Science), Brandeis University; Warren Taylor (English), Oberlin College.

bulletin

Autumn Issue VOL. 50 NO. 3 SEPTEMBER 1964

Articles and Verse

221 The University of Washington Loyalty Oath Case, *Arval A. Morris*

232 The Study of History in the United States: Some Affirmations, Some Doubts, *Boyd C. Shafer*

241 Economic Opportunity and Moral Choice, *Max Mark*

243 The Humanities Profession, *Allan Brick*

262 Logician, *Norman Nathan*

263 The College and University Teacher, *Helen C. White, Bentley Glass, Ralph F. Fuchs,* and *Fritz Machlup*

Reports and Departments

218 Association Officers and Council

219 The Editor's Page

220 Censured Administrations

244 Academic Freedom and Tenure: Lincoln College

251 Academic Freedom and Tenure: 1940 Statement of Principles

253 The Standards for Notice of Nonreappointment

254 Statement on Faculty Responsibility for the Academic Freedom of Students

258 The Disclaimer Affidavit of the Economic Opportunity Act (P.L. 88-452)

259 Report of the 1964 Nominating Committee

273 Record of Council Meeting

276 Committees of the Association

279 Association Membership

280 Constitution of the Association

283 Book Reviews

285 Letters

289 Educational Developments

293 Advisory Letters from the Washington Office

295 Academic Vacancies and Teachers Available

"PERMISSION TO REPRODUCE THIS COPYRIGHTED MATERIAL HAS BEEN GRANTED BY Warren C. Middleton for American Assn. of Univ. Professors TO ERIC AND ORGANIZATIONS OPERATING UNDER AGREEMENTS WITH THE U.S. OFFICE OF EDUCATION. FURTHER REPRODUCTION OUTSIDE THE ERIC SYSTEM REQUIRES PERMISSION OF THE COPYRIGHT OWNER."